

INSTRUCTIONS FOR FILING PETITION FOR RETURN OF PROPERTY

- 1) Fill out the attached form. A copy of 16 Del.C. § 4784 is included, to help you in completing items 5 and 6, which ask you to state the grounds on which you seek return of property.
- 2) The petition must be notarized.
- 3) A copy of the petition must be served on the Attorney General. That office is located in the Carvel State Building, 820 French Street, on the 8th floor. The Attorney General's Office will stamp the original to show service.
- 4) After service, the original petition must be filed with the Prothonotary's Office, along with the required \$75.00 filing fee.

To file in New Castle County:

Office of the Prothonotary
500 N. King Street
Suite 500, Lower Level 1
Wilmington, DE 19801-3746

To file in Kent County:

Office of the Prothonotary
38 The Green
Dover, DE 19901

To file in Sussex County:

Office of the Prothonotary
22 The Green
Georgetown, DE 19947

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

)	
)	
)	
Petitioner)	C.A. No. _____
)	
vs.)	Jury Trial Demanded:
)	yes____ no__
State of Delaware)	
)	
Respondent)	
)	
)	

PETITION FOR RETURN OF PROPERTY

Pursuant to 16 Del.C. § 4784 (j) and Superior Court Civil Rule 71.3, Claimant petitions the Court for return of property seized pursuant to 16 Del.C. § 4784.

1) (a) Name of Claimant _____

(b) Address _____

(c) Telephone Number _____

2) Description of the property sought to be returned:

3) Description of your ownership/interest in the property and how you acquired it:

4) (a) Date when property was acquired: _____

(b) From whom property was acquired: _____

5) Provisions of 16 Del. C. § 4784 relied on in asserting that the property is not subject to forfeiture: (e.g., property was unlawfully seized or used without owner's consent - See attached statute)

6) Facts supporting response to question 5:

Wherefore, the Petitioner hereby prays that the Court grant this Petition for Return of Property, granting such relief as the Court may deem just and fair under the circumstances.

Signature

Date: _____

VERIFICATION

STATE OF DELAWARE:
NEW CASTLE COUNTY: SS.

Comes now _____, and having been sworn according to law deposes and says that he/she is the Petitioner in the foregoing Petition for Return of Property and that the matters stated in said Petition are true and correct to the best of his/her knowledge, information and belief.

Signature

Date: _____

Sworn to and subscribed before me this ____ day of _____, ____.

Notary

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

)	
)	
)	
Petitioner)	
)	C.A. No. _____
vs.)	
)	
State of Delaware)	
)	
Respondent)	

ORDER

Now, this _____ day of _____, _____ Defendant's Petition
for Return of Property is granted in the following respects:

Judge

Date: _____